

EXHIBIT 3



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Transcript of David Timbers

Date: July 18, 2022

Case: Timbers -v- Telligent Masonry, LLC, et al.

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<p>17</p> <p>1 A Yes, it is.</p> <p>2 Q Okay. Thank you.</p> <p>3 A You're welcome.</p> <p>4 Q So what is your highest level of</p> <p>5 education?</p> <p>6 A I would say eighth grade.</p> <p>7 Q Eighth grade. And do you have any other</p> <p>8 degrees, or certifications, or anything else that</p> <p>9 could be considered educational that you've done</p> <p>10 for purposes of your occupation?</p> <p>11 A No.</p> <p>12 Q And what is your current occupation?</p> <p>13 A I'm not working at the moment.</p> <p>14 Q What was your occupation?</p> <p>15 A I'm a brick mason.</p> <p>16 MR. RAY, II: Let him finish the question.</p> <p>17 BY MR. MOURGES:</p> <p>18 Q What was your occupation during 2020?</p> <p>19 A Brick mason.</p> <p>20 Q And since 2020, what have -- what has been</p> <p>21 your occupation?</p> <p>22 A I haven't been working, I've been in</p>	<p>19</p> <p>1 gets paid by the number of pieces of brick laid.</p> <p>2 You have never been employed or paid as a</p> <p>3 piece worker?</p> <p>4 A Not as I know of. Not to my knowledge.</p> <p>5 Q Okay. And when you were a brick mason,</p> <p>6 were you always paid in wages; meaning, did you --</p> <p>7 were you an employee of the company that you</p> <p>8 worked for?</p> <p>9 A I was. I was getting paid hourly.</p> <p>10 Q Were you ever paid, for working as a brick</p> <p>11 mason, in cash?</p> <p>12 A No.</p> <p>13 Q Were you ever paid, as a brick mason, as</p> <p>14 an independent contractor?</p> <p>15 A No.</p> <p>16 Q Other than working as a brick mason, have</p> <p>17 you ever been employed as anything else in your</p> <p>18 life?</p> <p>19 A In my younger days, I've done janitor</p> <p>20 work. I've done numerous things.</p> <p>21 Q When did you last engage as a janitor for</p> <p>22 employment?</p>
<p>18</p> <p>1 accidents.</p> <p>2 Q When was your last day of work in that</p> <p>3 occupation as a bricklayer?</p> <p>4 A Probably the 15th of September.</p> <p>5 Q "Probably" the 15th of September, or the</p> <p>6 15th of September?</p> <p>7 A The last day I worked for Telligent.</p> <p>8 Q Okay. And since the last day that you</p> <p>9 worked for Telligent, have you looked for work</p> <p>10 opportunities?</p> <p>11 A No.</p> <p>12 Q Since your last day of work for Telligent,</p> <p>13 on September 15th, 2020, how have you earned</p> <p>14 money?</p> <p>15 A I'm getting a Social Security check.</p> <p>16 Q Have you had any other forms of income</p> <p>17 since September 15th of 2020?</p> <p>18 A No.</p> <p>19 Q Have you ever worked as a piece worker?</p> <p>20 A No.</p> <p>21 Q Meaning, that you -- let me clarify.</p> <p>22 A piece worker is paid to lay brick and</p>	<p>20</p> <p>1 A When I was, probably, 18 or 19 years old.</p> <p>2 Q And when did you first begin working as a</p> <p>3 brick mason?</p> <p>4 A I began working as a brick mason back</p> <p>5 in -- I don't recall the exact date, but it was</p> <p>6 with Falls Church Construction, and I can't</p> <p>7 remember exactly when.</p> <p>8 Q Other than working for Falls Church</p> <p>9 Construction as a brick mason, where else have you</p> <p>10 worked as a brick mason?</p> <p>11 A I worked United Masonry, I worked for</p> <p>12 Long Masonry, I've worked for Senate Masonry,</p> <p>13 Metropolitan. I've worked for a number of these</p> <p>14 companies -- Keystone.</p> <p>15 Q Any of the companies that you just</p> <p>16 mentioned, have you worked for any of them since</p> <p>17 2017?</p> <p>18 A No, except Telligent.</p> <p>19 Q You have not worked for any other employer</p> <p>20 as a brick mason, other than Telligent, since</p> <p>21 2017?</p> <p>22 A Well, the companies I said, I worked for</p>

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<p>33</p> <p>1 A Wilbur, that's it.</p> <p>2 Q Wilbur was your only foreman?</p> <p>3 A And the guy at Gateway. I don't remember</p> <p>4 his name.</p> <p>5 Q "Wilbur," is Wilbur Bonilla; is that</p> <p>6 correct?</p> <p>7 A (Nods head up and down.)</p> <p>8 MS. GLOVER: He did.</p> <p>9 MR. RAY, II: Did you give a "yes," sir?</p> <p>10 THE COURT REPORTER: I got a nod.</p> <p>11 MR. RAY, II: You've got to give a verbal</p> <p>12 answer.</p> <p>13 THE WITNESS: I said, "yes."</p> <p>14 BY MR. MOURGES:</p> <p>15 Q During 2020 when you were -- when your</p> <p>16 foreman was Wilbur Bonilla, do you recall who</p> <p>17 worked with you at Telligent?</p> <p>18 A All I know is one Spanish guy, they called</p> <p>19 him Chile [ph]. The rest of them, I don't</p> <p>20 remember.</p> <p>21 Q How many people worked with you on a team,</p> <p>22 on a given day?</p>	<p>35</p> <p>1 of an expectation of how many brick they laid --</p> <p>2 did you see anyone told of any expectation of how</p> <p>3 many bricks to be laid in an hour?</p> <p>4 A No.</p> <p>5 Q Did anyone ever -- well, strike that.</p> <p>6 Was it expected of you to be able to lay</p> <p>7 brick to a certain quality?</p> <p>8 MR. RAY, II: Objection to the form.</p> <p>9 Foundation.</p> <p>10 You can answer, David.</p> <p>11 A Yes. Brick got to be, no matter what --</p> <p>12 brick got to be laid right, no matter who you</p> <p>13 working for.</p> <p>14 Q What makes -- in your words, what makes a</p> <p>15 brick "laid right"?</p> <p>16 A It's got to be straight, and plumb, and</p> <p>17 level.</p> <p>18 Q Did you always lay brick straight, plumb,</p> <p>19 and level?</p> <p>20 A Yes, I did.</p> <p>21 Q Did you always show up to work on time?</p> <p>22 A Yes.</p>
<p>34</p> <p>1 A I couldn't give you the answer to that,</p> <p>2 because I don't go around counting and seeing how</p> <p>3 many people I'm working with; so I don't know.</p> <p>4 Q Was Wilbur Bonilla the supervisor to all</p> <p>5 of the people on the site?</p> <p>6 A Yes.</p> <p>7 Q So in your own words, what were the</p> <p>8 reasonable expectations of Telligent, in terms of</p> <p>9 job performance?</p> <p>10 A Job performance as work, what was I doing?</p> <p>11 Q What was expected of you, as a brick</p> <p>12 mason, by Telligent.</p> <p>13 A Just lay brick for eight hours, or block</p> <p>14 for eight hours, or whatever it was required</p> <p>15 during that time on the job. Whatever he would</p> <p>16 tell me to do, that's what I would do.</p> <p>17 Q Did they -- did Wilbur, or anyone else at</p> <p>18 Telligent, expect that you would be able to lay a</p> <p>19 certain amount of brick in a certain amount of</p> <p>20 time?</p> <p>21 A If it was, I was never told.</p> <p>22 Q Were other people that you work with told</p>	<p>36</p> <p>1 Q Did you always follow the instructions of</p> <p>2 Wilbur Bonilla?</p> <p>3 A Whatever he asked me to do, sure.</p> <p>4 Q Did you ever get into any arguments or</p> <p>5 other -- otherwise have confrontations with</p> <p>6 Mr. Bonilla or other employees of Telligent, in</p> <p>7 2020?</p> <p>8 A No.</p> <p>9 Q Did you ever witness anyone having an</p> <p>10 argument or confrontation while you were with</p> <p>11 Telligent?</p> <p>12 A Yeah. My nephew, Jesse [ph].</p> <p>13 Q Can you speak to the incident with your</p> <p>14 nephew, Jesse, what happened?</p> <p>15 A I don't know what happened. I just heard</p> <p>16 some commotion going on, and, you know, I was</p> <p>17 working, and I just looked up and I seen this</p> <p>18 white bricklayer having some words, and I seen him</p> <p>19 going towards the guy, and I told him "No," and he</p> <p>20 knocked -- took his hand and knocked the guy's</p> <p>21 hard hat off.</p> <p>22 Q Whose hard hat did he knock off?</p>

<p style="text-align: right;">41</p> <p>1 You can answer, David.</p> <p>2 A No, I wouldn't say so.</p> <p>3 Q On Telligent Bates 123, is another picture</p> <p>4 of brick. Would you consider that to be quality</p> <p>5 brick masonry work?</p> <p>6 MR. RAY, II: Same objection.</p> <p>7 A It's not my work, so I don't know.</p> <p>8 Q On the fourth-to-last page, Telligent</p> <p>9 Bates 341, is another picture of brick masonry</p> <p>10 that you laid --</p> <p>11 A I laid?</p> <p>12 Q -- do you consider that to be quality</p> <p>13 masonry?</p> <p>14 MR. RAY, II: Objection to the form.</p> <p>15 Foundation.</p> <p>16 You can answer it.</p> <p>17 A Not to my knowledge.</p> <p>18 Q Not to your knowledge that that is not</p> <p>19 quality masonry?</p> <p>20 MR. RAY, II: Objection to the form.</p> <p>21 A I see a hole.</p> <p>22 Q Are holes exemplary of quality brick</p>	<p style="text-align: right;">43</p> <p>1 Discrimination," containing your name and filed</p> <p>2 against Telligent Masonry.</p> <p>3 Are you familiar with this document?</p> <p>4 A Yes.</p> <p>5 Q Is that your signature?</p> <p>6 A That's my signature.</p> <p>7 Q On -- within that page, it states that</p> <p>8 the, "Date discrimination took place, on the</p> <p>9 earliest, was July 1st of 2020."</p> <p>10 What discrimination occurred on</p> <p>11 July 1st of 2020?</p> <p>12 A July 1st of 2020? I was being</p> <p>13 discriminated against because of my race.</p> <p>14 Q How were you being discriminated against</p> <p>15 due to your race on July 1st, 2020?</p> <p>16 A Because the Spanish people were allowed to</p> <p>17 work. Me and my brother, who were black, African</p> <p>18 American, wasn't.</p> <p>19 Q Were you working for Telligent on</p> <p>20 July 1st, 2020?</p> <p>21 A I can't recall; but I probably was.</p> <p>22 Q In Roman numeral II of, "The Particulars,"</p>
<p style="text-align: right;">42</p> <p>1 masonry?</p> <p>2 A It could have been, as long you plug it</p> <p>3 up.</p> <p>4 THE WITNESS: (Makes motion, indicating.)</p> <p>5 MR. RAY, II: You can't talk to me. You</p> <p>6 have to focus on the question.</p> <p>7 THE WITNESS: Okay, I'll talk to you</p> <p>8 later.</p> <p>9 MR. RAY, II: Focus on the question.</p> <p>10 MR. MOURGES: If you guys want to break,</p> <p>11 that's fine.</p> <p>12 MR. RAY, II: I don't need to break.</p> <p>13 Do you want to take a break?</p> <p>14 THE WITNESS: Huh-uh.</p> <p>15 BY MR. MOURGES:</p> <p>16 Q Turning to the EEOC complaint that was</p> <p>17 filed on November 19th, 2020.</p> <p>18 MR. MOURGES: This will be Exhibit 4.</p> <p>19 (Whereupon, the above-referenced document</p> <p>20 was marked as Exhibit No. 4.)</p> <p>21 (Documents passed.)</p> <p>22 Q On the second page, there's a, "Charge of</p>	<p style="text-align: right;">44</p> <p>1 you indicate that, "During my employment, I have</p> <p>2 been discriminated against due to my race,</p> <p>3 including being subjected to a hostile work</p> <p>4 environment, and otherwise, being harassed by my</p> <p>5 three immediate supervisors. Jose Valladares,</p> <p>6 Joseph Williams, and Tranquilino Villegas, from</p> <p>7 July 1st, 2020, until my termination on</p> <p>8 September 23rd, 2020."</p> <p>9 Please explain, during the time period</p> <p>10 from July 1st, 2020, through September 23rd of</p> <p>11 2020, how you were being subjected to a hostile</p> <p>12 work environment.</p> <p>13 A Well, like I said, we was -- me and my</p> <p>14 brother wasn't allowed to work from people that</p> <p>15 they were sending us to, and I made phone calls</p> <p>16 and asked them why they keep sending me to the</p> <p>17 same site when this person wasn't allowing us</p> <p>18 work.</p> <p>19 Q Other than not allowing you to work, and</p> <p>20 sending you to a different site, did they take any</p> <p>21 hostile actions towards you?</p> <p>22 MR. RAY, II: Object to the form.</p>

<p style="text-align: right;">45</p> <p>1 BY MR. MOURGES</p> <p>2 Q Did the people -- did Jose Valladares,</p> <p>3 Joseph Williams, and Tranquilino Villegas, during</p> <p>4 July 1, 2020, through September 23rd, 2020, take</p> <p>5 any hostile actions against you?</p> <p>6 MR. RAY, II: Same objection.</p> <p>7 You can answer.</p> <p>8 A "Hostile," meaning what?</p> <p>9 Q Anything that you would consider hostile.</p> <p>10 A I don't understand the term.</p> <p>11 Q Did Jose Valladares, Joseph Williams, or</p> <p>12 Tranquilino Villegas from July 1st, 2020, through</p> <p>13 September 23rd, 2020, harass you?</p> <p>14 A Yeah, they harassed me by not answering</p> <p>15 when I was calling them and asking about work.</p> <p>16 Q Is that the only way that they harassed</p> <p>17 you during that time period?</p> <p>18 A Yeah, by denying me work.</p> <p>19 Q You indicate, in Roman numeral II, that</p> <p>20 your three immediate supervisors are</p> <p>21 Jose Valladares, Joseph Williams, and</p> <p>22 Tranquilino Villegas.</p>	<p style="text-align: right;">47</p> <p>1 and my brother out to the school in Gainesville,</p> <p>2 so I can't recall what the date, what month it</p> <p>3 was, but me and my brother, we brought the school</p> <p>4 up the ground, to grade.</p> <p>5 Q Just to clarify, was it Kenny, or was it</p> <p>6 Jose, that sent to you a different worksite?</p> <p>7 A Kenny.</p> <p>8 Q And Kenny sent you from where to where?</p> <p>9 A Kenny sent me from Springfield to</p> <p>10 Gainesville High School.</p> <p>11 Q When did Kenny send you from Springfield</p> <p>12 to Gainesville?</p> <p>13 A I just told you I don't have no knowledge</p> <p>14 of the date and time, or the month.</p> <p>15 Q Who was your supervisor in Gainesville --</p> <p>16 or at the Gainesville site?</p> <p>17 A Jose.</p> <p>18 Q Going back, when was Wilbur Bonilla your</p> <p>19 supervisor?</p> <p>20 A Wilbur was my supervisor back in 2020,</p> <p>21 when I went back to work, because I had been off</p> <p>22 for a while.</p>
<p style="text-align: right;">46</p> <p>1 Please explain how the three of those are</p> <p>2 your immediate supervisors.</p> <p>3 A I was working for Jose and Tranquilino,</p> <p>4 he's the one who hired me at Faraday -- to go back</p> <p>5 to Faraday Park. Joseph Williams, I didn't even</p> <p>6 know him until I was told that, if we came back</p> <p>7 Monday, me and Albert, my brother, wouldn't be</p> <p>8 allowed to work there anymore.</p> <p>9 So I called the office that day, and it</p> <p>10 just so happened, some guy named Joe, and I know</p> <p>11 his last name is Williams, picked up.</p> <p>12 Q Did Joseph Williams ever meet you in</p> <p>13 person?</p> <p>14 A No, not to my knowledge.</p> <p>15 Q Did Tranquilino Villegas ever meet you in</p> <p>16 person?</p> <p>17 A I wouldn't even know who he is. If he</p> <p>18 did, I wouldn't even know him.</p> <p>19 Q During that time period, was</p> <p>20 Jose Valladares your supervisor?</p> <p>21 A Whenever -- I can't recall, but I was</p> <p>22 working with Kenny in Springfield, and he sent me</p>	<p style="text-align: right;">48</p> <p>1 Q At what worksite was he your supervisor?</p> <p>2 A Faraday Park.</p> <p>3 Q How many days were you under the</p> <p>4 supervision of Jose Valladares?</p> <p>5 A Until I was terminated.</p> <p>6 Q What dates were you under the supervision</p> <p>7 of Jose Valladares in particular? Please provide</p> <p>8 the dates.</p> <p>9 A I can't provide the dates, because it's</p> <p>10 from the time that I started, which was back in</p> <p>11 February or March, until September.</p> <p>12 Q So are you stating that Jose was your</p> <p>13 supervisor from February or March through</p> <p>14 September?</p> <p>15 A Yeah. Unless he sent me -- they sent me</p> <p>16 to Jose's job.</p> <p>17 Q No, I'm -- I asked was Jose, not Wilbur,</p> <p>18 your supervisor from February or March through</p> <p>19 September?</p> <p>20 A Jose, I thought you were talking about --</p> <p>21 no. Wilbur was my foreman.</p> <p>22 Q Was Wilbur always your foreman during</p>

<p style="text-align: right;">57</p> <p>1 and you can put all of them to work?</p> <p>2 Q So that was the substance of your</p> <p>3 conversation with Jose?</p> <p>4 A I told him I was going to file charges</p> <p>5 with the EEOC.</p> <p>6 Q And did you ever complain of</p> <p>7 discrimination to Joseph Williams?</p> <p>8 A No, I didn't. Like I said, I only talked</p> <p>9 to Joe one time on the phone. He called me back</p> <p>10 after that, on the same Friday that he told us we</p> <p>11 weren't going to be allowed to work at the site</p> <p>12 anymore if we came back Monday; and after that I</p> <p>13 didn't talk to Joe anymore.</p> <p>14 Q So on August 20th of 2020, where were you</p> <p>15 working?</p> <p>16 A I have no idea.</p> <p>17 Q When you were sent from Faraday Park East</p> <p>18 to Prince William High School, do you recall what</p> <p>19 date that was?</p> <p>20 A No, not the first time. The last time was</p> <p>21 the 15th of September.</p> <p>22 Q The 15th of September you were sent to</p>	<p style="text-align: right;">59</p> <p>1 worksite and were not given work -- or taken away</p> <p>2 from doing work?</p> <p>3 A Like I said, there was numerous times we</p> <p>4 were sent to the same place that Jose is a</p> <p>5 supervisor at the high school. We went there that</p> <p>6 Friday, and he told us he did not have a place for</p> <p>7 me and my brother to work. As we were ready to</p> <p>8 leave, the rest of our crew showed up, but we</p> <p>9 worked that day. But then at the end, just before</p> <p>10 the end of the day, he had called his other</p> <p>11 foreman, whose name is also Jose, and told them to</p> <p>12 tell David and Albert, if they come back Monday,</p> <p>13 I'm not working them.</p> <p>14 Q Did you attempt to show up to work on</p> <p>15 Monday?</p> <p>16 A No. Why would I?</p> <p>17 Q And how do you know that he -- how were</p> <p>18 you told that you were not supposed to show up to</p> <p>19 work on Monday?</p> <p>20 A He called the other foreman, Jose.</p> <p>21 Q Who called the other foreman?</p> <p>22 A Jose Valladares, I guess that's his last</p>
<p style="text-align: right;">58</p> <p>1 work at Prince William High School?</p> <p>2 A Yes. But I never showed up, because why</p> <p>3 would I show up somewhere I already know I'm not</p> <p>4 going to have work. So I didn't call nobody, I</p> <p>5 just didn't show up. I'm not going to call the</p> <p>6 person that tells me to go to the same place where</p> <p>7 I'm already discriminated against because of my</p> <p>8 race.</p> <p>9 Q So you did not show up for work on</p> <p>10 September 15th, and did not tell anybody?</p> <p>11 A I went to work September 15th. I said</p> <p>12 after that, I was sent to the school again.</p> <p>13 Q So on September 16th, you did not show up</p> <p>14 to work?</p> <p>15 A No.</p> <p>16 Q So on any date in July or August of 2020,</p> <p>17 were you removed from a worksite by Telligent?</p> <p>18 A From July what?</p> <p>19 Q In July or August or September of 2020,</p> <p>20 were you ever removed from a worksite?</p> <p>21 A What do you mean when you say "removed"?</p> <p>22 Q Were you -- did you ever show up at a</p>	<p style="text-align: right;">60</p> <p>1 name.</p> <p>2 Q Jose Valladares called the other Jose and</p> <p>3 said, Do not allow David and Albert Timbers to</p> <p>4 work at Prince William High School on August 24th?</p> <p>5 A No. He told that Jose to tell us that, if</p> <p>6 we came back Monday, we would not work.</p> <p>7 Q And why, in your opinion, did he tell him</p> <p>8 that?</p> <p>9 A Because he was discriminating against us.</p> <p>10 He didn't want us up there after that accident</p> <p>11 between my nephew and the white bricklayer.</p> <p>12 Q Were you offered work opportunities by</p> <p>13 Jose or Wilbur after August 24th?</p> <p>14 A Yeah. I went back to work for Wilbur.</p> <p>15 Q When did you go back to work for Wilbur?</p> <p>16 A The last day I went back was the 14th. I</p> <p>17 went back on the 14th, and the last day I worked</p> <p>18 for Wilbur was the 15th of September.</p> <p>19 Q Could you have worked for Wilbur on</p> <p>20 August 24th?</p> <p>21 A I probably did work for him in August, but</p> <p>22 I would say September 15th, the 14th was the</p>

<p style="text-align: right;">61</p> <p>1 last -- because I had been off since that Friday</p> <p>2 when he told us if we come back to work Monday, I</p> <p>3 had been off until, like, the 14th of September,</p> <p>4 when I went back.</p> <p>5 Q When you say you had been "off," what do</p> <p>6 you mean?</p> <p>7 A That means I didn't have no workplace -- I</p> <p>8 didn't have a place to go to work, because the job</p> <p>9 that Wilbur was on wasn't -- something was wrong.</p> <p>10 So I wasn't allowed -- the job was shut down, as I</p> <p>11 was told.</p> <p>12 Q So -- but the job being supervised by</p> <p>13 Jose, was not shut down, there was available work</p> <p>14 there?</p> <p>15 A Yeah. For everybody except for African</p> <p>16 Americans.</p> <p>17 Q How do you know that there was available</p> <p>18 work?</p> <p>19 A How do I "know"? Because the school</p> <p>20 wasn't even halfway completed by then. I had just</p> <p>21 worked up there and I was sent back up there.</p> <p>22 Q So Jose Valladares was not allowing</p>	<p style="text-align: right;">63</p> <p>1 him work.</p> <p>2 Q But your brother, Anthony Timbers, was</p> <p>3 working on some days during that time period under</p> <p>4 Jose?</p> <p>5 A Yes. To my knowledge, yes, he was.</p> <p>6 Q Do you think that Jose did not give you</p> <p>7 work at that site because of your prior</p> <p>8 interactions with the knocking the helmet off of</p> <p>9 the other worker and the incident with your</p> <p>10 nephew?</p> <p>11 MR. RAY, II: Object to the form.</p> <p>12 You can answer.</p> <p>13 A That was the beginning of it, yes.</p> <p>14 Q Did Jose ever have any other workplace</p> <p>15 issues with you?</p> <p>16 A Not as I know of.</p> <p>17 Q Did any of your other supervisors ever</p> <p>18 have any issues with you?</p> <p>19 A No.</p> <p>20 Q So other nonblack brick masons were given</p> <p>21 work opportunities at Prince William High School</p> <p>22 starting on August 24th?</p>
<p style="text-align: right;">62</p> <p>1 African Americans to work at the worksite?</p> <p>2 A Brick masons.</p> <p>3 Q Did your brother, Anthony Timbers, work at</p> <p>4 that site?</p> <p>5 A Yeah, he's a laborer.</p> <p>6 Q What's the difference between a laborer</p> <p>7 and a brick mason?</p> <p>8 MR. RAY, II: Objection to form.</p> <p>9 You can answer.</p> <p>10 A The difference between laborer and brick</p> <p>11 mason, a laborer carry brick, a brick mason lay</p> <p>12 brick.</p> <p>13 Q But Jose Valladares let your brother work</p> <p>14 at that site for all available dates in August or</p> <p>15 September?</p> <p>16 A Yeah, but he was discriminating against</p> <p>17 him, also.</p> <p>18 Q How was Jose discriminating against</p> <p>19 Anthony Timbers?</p> <p>20 A Well, I would prefer Anthony to answer</p> <p>21 that for you; but as far as I know, my brother</p> <p>22 told me that he -- a couple of days, he didn't let</p>	<p style="text-align: right;">64</p> <p>1 A There was no black bricklayers up there</p> <p>2 except for me and my brother.</p> <p>3 Q How many black bricklayers are there,</p> <p>4 typically, on a site?</p> <p>5 A I couldn't tell you that. I never seen a</p> <p>6 black bricklayer, except for me and my brother, on</p> <p>7 any site I went to.</p> <p>8 Q So on any sites where you worked for</p> <p>9 Telligent, there were no black bricklayers, at</p> <p>10 all?</p> <p>11 A Not to my knowledge.</p> <p>12 Q Did you ever complain to Jose or Wilbur</p> <p>13 about discrimination because of a lack of black</p> <p>14 bricklayers at other sites?</p> <p>15 A No.</p> <p>16 Q In your experience with the other</p> <p>17 companies that you worked for, are there,</p> <p>18 typically, a lot of black bricklayers?</p> <p>19 A With Larry Fells, the company is black,</p> <p>20 there might be two or three Hispanic bricklayers.</p> <p>21 Q And how many other bricklayers might there</p> <p>22 be?</p>

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<p style="text-align: right;">65</p> <p>1 A I don't know, I don't count bricklayers.</p> <p>2 I just know there's more than one black bricklayer</p> <p>3 besides myself.</p> <p>4 Q Did you have a good relationship with</p> <p>5 Larry Fells?</p> <p>6 A Yes, I did. I have a good relationship</p> <p>7 with just about everybody I work for, except for</p> <p>8 Telligent.</p> <p>9 Q Did Larry Fells ever complain about your</p> <p>10 workmanship?</p> <p>11 A No.</p> <p>12 MR. MOURGES: Can we take a break for a</p> <p>13 couple of minutes?</p> <p>14 MR. RAY, II: Sure.</p> <p>15 THE VIDEOGRAPHER: Stand by.</p> <p>16 We are going off the record at 11:16.</p> <p>17 (A recess was taken.)</p> <p>18 THE VIDEOGRAPHER: Okay. We are on the</p> <p>19 record at 11:30 a.m.</p> <p>20 BY MR. MOURGES:</p> <p>21 Q So Mr. Timbers, before we broke, you had</p> <p>22 mentioned that, at the Prince William High School</p>	<p style="text-align: right;">67</p> <p>1 Q From the site that Wilbur was supervising</p> <p>2 at Faraday Park East?</p> <p>3 A Right.</p> <p>4 Q Did Wilbur send other people from Faraday</p> <p>5 Park East to Prince William High School on that</p> <p>6 day?</p> <p>7 A Everybody that was working for Wilbur was</p> <p>8 supposed to report to the high school in</p> <p>9 Gainesville.</p> <p>10 Q How many people, to your knowledge,</p> <p>11 reported to Wilbur?</p> <p>12 A "Reported to Wilbur"?</p> <p>13 Q Reported to Wilbur. That Wilbur was the</p> <p>14 supervisor of how many people?</p> <p>15 A I don't know. I don't know how many</p> <p>16 people was there. The "10 or 12" was just an</p> <p>17 example that I used.</p> <p>18 Q Did Wilbur -- do you know if Wilbur told</p> <p>19 the 10 or 12 people, in addition to you and your</p> <p>20 brother, to go from Faraday Park East to</p> <p>21 Prince William High School on August 21st?</p> <p>22 A As I was saying, the whole crew that was</p>
<p style="text-align: right;">66</p> <p>1 sites, there were 10 to 12 people on your team; is</p> <p>2 that correct?</p> <p>3 A That was just an example. I know there</p> <p>4 were more than just two people. I just said 10 or</p> <p>5 12. I told Jose how can you not have work for two</p> <p>6 people when you can have work for 10 or 12 other</p> <p>7 people? I don't know how many people there was, I</p> <p>8 was just saying that.</p> <p>9 Q So when you were sent from Faraday Park to</p> <p>10 Prince William, you were sent over with other</p> <p>11 people?</p> <p>12 A No. Me and my brother went. Everybody</p> <p>13 that was on that crew at Faraday was supposed to</p> <p>14 report there. But I had talked to a couple of</p> <p>15 bricklayers, and they said they weren't coming</p> <p>16 there until Monday; but as me and my brother were</p> <p>17 ready to leave, they showed up.</p> <p>18 Q So who told you to go to --</p> <p>19 A Wilbur.</p> <p>20 Q Wilbur told you to go to Prince William</p> <p>21 High School on or about August 21st?</p> <p>22 A Yes.</p>	<p style="text-align: right;">68</p> <p>1 working at Faraday Park East was to report to the</p> <p>2 high school, in Gainesville, that Friday.</p> <p>3 Q And when he told you and your brother to</p> <p>4 report to Gainesville, did he say to report there</p> <p>5 for the day, or for a long-term assignment?</p> <p>6 A He just said "report there." He didn't</p> <p>7 say -- that's all he said. That's why we were</p> <p>8 supposed to go to work that day.</p> <p>9 Q Did -- did you understand or believe that</p> <p>10 you were supposed to report back to Faraday Park</p> <p>11 East on Monday?</p> <p>12 A No, I didn't.</p> <p>13 Q Did you think that you were supposed to</p> <p>14 work at Prince William High School on that</p> <p>15 following Monday?</p> <p>16 A That I thought I was? No. Because I was</p> <p>17 already told that Friday, the same Friday, that we</p> <p>18 weren't going to work if we came back.</p> <p>19 Q Were the -- do you know if the other</p> <p>20 masons were told that they were going to be going</p> <p>21 over to Prince William High School for a day or</p> <p>22 for an extended assignment?</p>

<p style="text-align: right;">69</p> <p>1 A I don't know what was going on. All I</p> <p>2 knew, everybody on that crew was supposed to</p> <p>3 report to the high school. Whatever he told the</p> <p>4 rest of the bricklayers, I have no knowledge of.</p> <p>5 Q Do you know if the rest of the bricklayers</p> <p>6 that went over with you to Prince William High</p> <p>7 School showed up at Faraday Park East on the</p> <p>8 Monday after that Friday?</p> <p>9 A I don't know why they showed up. Because</p> <p>10 Faraday Park was supposed to be shut down.</p> <p>11 Q Do you know if those workers showed up for</p> <p>12 work at Prince William High School on --</p> <p>13 A I don't know. I didn't go back.</p> <p>14 MR. RAY, II: You have to let him finish</p> <p>15 the question.</p> <p>16 THE WITNESS: Okay. Sorry.</p> <p>17 A I don't know. I didn't go back.</p> <p>18 Q At that point on August 21st or</p> <p>19 August 24th, did you ever ask where you were</p> <p>20 supposed to show up on August 24th?</p> <p>21 A I had called Tranquilino and asked him,</p> <p>22 did he have a different site he could send me to.</p>	<p style="text-align: right;">71</p> <p>1 call for Joe, you called for anyone at Telligent</p> <p>2 to see where work would be located?</p> <p>3 A Right.</p> <p>4 Q And what were you told?</p> <p>5 A Joe told me that I had started fighting</p> <p>6 with a bricklayer.</p> <p>7 And I said, What? If I started a fight</p> <p>8 with a bricklayer, why am I still working for you</p> <p>9 all? It wasn't me, it was my nephew.</p> <p>10 The stories kept changing.</p> <p>11 Q Joe Williams specifically noted that you</p> <p>12 were being denied work because of an altercation?</p> <p>13 A That was the first time I ever spoke with</p> <p>14 Joe.</p> <p>15 Q That doesn't answer the question.</p> <p>16 On August 21st, did Joe indicate that you</p> <p>17 were being denied work because of an altercation?</p> <p>18 A I called, and, like I said, Joe answered</p> <p>19 the phone. And I said, Do y'all have any place</p> <p>20 that me and my brother can work Monday?</p> <p>21 And he said he would call me back. Which</p> <p>22 he called me back and we spoke a few minutes.</p>
<p style="text-align: right;">70</p> <p>1 Q When did you call Tranquilino?</p> <p>2 A I think I called him that Monday, numerous</p> <p>3 times, like two or three times.</p> <p>4 Q So you think that you called Tranquilino</p> <p>5 on August 24th, numerous times to request work?</p> <p>6 A Yeah. That Monday.</p> <p>7 Q Why did you call him to request work if</p> <p>8 you thought that you were being denied work?</p> <p>9 A Because I thought maybe there was another</p> <p>10 site he would send us, other than with Jose.</p> <p>11 Q On August 21st, after your day at</p> <p>12 Prince William High School, did you call anyone to</p> <p>13 discuss future work opportunities the next week?</p> <p>14 A I called Tranquilino.</p> <p>15 Q You called Tranquilino on August 21st?</p> <p>16 A No. I called Joe on August 21st, the day</p> <p>17 after the workday was over and he told us that we</p> <p>18 weren't going to come back that Monday, he wasn't</p> <p>19 going to work me and my brother. I called Joe,</p> <p>20 but I didn't know who was going to answer the</p> <p>21 phone. I just called the main office that day.</p> <p>22 Q So on August 21st, after work, you did not</p>	<p style="text-align: right;">72</p> <p>1 And I told him, I don't know what</p> <p>2 happened. But anyway, I don't think we got</p> <p>3 everything resolved at that time. So I waited</p> <p>4 until Monday, and I called Tranquilino, because I</p> <p>5 had his cell phone number in my phone.</p> <p>6 Q So did -- so Joe Williams told you to call</p> <p>7 back on Monday to...</p> <p>8 A No, Joe didn't tell me to call back on</p> <p>9 Monday.</p> <p>10 Q Why did you decide to call back on Monday?</p> <p>11 A Because I was trying -- because I don't</p> <p>12 know Joe. I knew Tranquilino, so I figured I'd</p> <p>13 wait until Monday and call him, because me and Joe</p> <p>14 couldn't resolve nothing.</p> <p>15 Q How did you know Tranquilino?</p> <p>16 A Because I had called him numerous times,</p> <p>17 and they gave me his cell phone number, so that's</p> <p>18 who I would contact.</p> <p>19 Q So you had called Tranquilino numerous</p> <p>20 times before August 21st?</p> <p>21 A No, I didn't say that.</p> <p>22 Q So how --</p>

<p>73</p> <p>1 A I said I called him the 24th, which was</p> <p>2 the Monday, or the 23rd, or whatever it was.</p> <p>3 Q So in your answers to interrogatories, you</p> <p>4 indicated on August 24th, between 8:30 and</p> <p>5 9:00 a.m., you called Joe Williams to follow up on</p> <p>6 your conversation from Friday with Joe Williams.</p> <p>7 Is that who you called on Monday?</p> <p>8 A I called Tranquilino.</p> <p>9 Q So you did not call Joe Williams on</p> <p>10 Monday?</p> <p>11 A No. I spoke to Joe Williams on Friday,</p> <p>12 and that was the last time I spoke to him.</p> <p>13 Q So do you have any records of talking with</p> <p>14 Tranquilino on Monday, the 24th of August?</p> <p>15 A Only on my phone, which was broken.</p> <p>16 Q So you don't have any means of confirming</p> <p>17 that, other than your memory?</p> <p>18 A Right, because everything was in the phone</p> <p>19 571-326-9984 number, which my attorneys have.</p> <p>20 Q So you're stating that, on August 24th,</p> <p>21 you called Tranquilino.</p> <p>22 What did you talk about with Tranquilino,</p>	<p>75</p> <p>1 conversation you had with him on August 24th?</p> <p>2 A To my knowledge, yes.</p> <p>3 Q When he failed to call you back, what did</p> <p>4 you do?</p> <p>5 A There was nothing I could do except wait</p> <p>6 until the next day.</p> <p>7 Q Did you attempt to show up at any</p> <p>8 worksite?</p> <p>9 A No.</p> <p>10 Q Did you attempt to call Jose Valladares to</p> <p>11 get work?</p> <p>12 A No.</p> <p>13 Q Why not?</p> <p>14 A The guy that's discriminating against me</p> <p>15 and refusing me work? Why would I call him?</p> <p>16 Q Did you attempt to get work from</p> <p>17 Wilbur Bonilla?</p> <p>18 A Wilbur's job was shut down.</p> <p>19 Q Why didn't you call to ask him if there</p> <p>20 was another site that you could go to?</p> <p>21 A I called Tranquilino.</p> <p>22 Q Normally, do you call the general</p>
<p>74</p> <p>1 on August 24th?</p> <p>2 A I asked him if he had a workplace he could</p> <p>3 send us. He was supposed to call me back, and he</p> <p>4 never called back.</p> <p>5 Q Did you speak with Tranquilino on the</p> <p>6 24th?</p> <p>7 A Yes, I did.</p> <p>8 MR. RAY, II: Try it again, you've got to</p> <p>9 let him finish. You gave the answer at the same</p> <p>10 time, I couldn't hear the answer.</p> <p>11 A Yes. Yes, I did.</p> <p>12 Q So how many calls did you have with</p> <p>13 Tranquilino?</p> <p>14 A I -- sorry.</p> <p>15 Q How many calls did you have with</p> <p>16 Tranquilino Villegas, on August 24th?</p> <p>17 A I called one time, he answered. He was</p> <p>18 supposed to call back. He didn't call back. I</p> <p>19 called two or three more times, maybe four times,</p> <p>20 I can't recall.</p> <p>21 Q So you actually spoke with Tranquilino.</p> <p>22 And he was supposed to call you back, based on a</p>	<p>76</p> <p>1 superintendent for work, or do you call the</p> <p>2 immediate supervisor?</p> <p>3 A The supervisor, which I call "foreman."</p> <p>4 They tell me where to go. They call the</p> <p>5 supervisor, and they tell me where the supervisor</p> <p>6 said go.</p> <p>7 Q But on a day-to-day basis, you would</p> <p>8 normally call your foreman to figure out where you</p> <p>9 need to go to work?</p> <p>10 A No, I wouldn't call my foreman on a</p> <p>11 day-to-day basis, because if he tell me the job is</p> <p>12 shut down, he's going to call me when it starts</p> <p>13 back up.</p> <p>14 Q So when you spoke briefly with</p> <p>15 Tranquilino Villegas on August 24th, what did you</p> <p>16 tell him about the circumstances of being denied</p> <p>17 work?</p> <p>18 A I can't recall what I told him.</p> <p>19 Q Did you mention anything about</p> <p>20 discrimination?</p> <p>21 A Not to my knowledge. I don't think I did</p> <p>22 to him.</p>

<p style="text-align: right;">77</p> <p>1 Q Why didn't you?</p> <p>2 A Because he was supposed to call me back</p> <p>3 and send me to another worksite. And, at the</p> <p>4 time, that wasn't even on my mind.</p> <p>5 Q So when you called him, you were not</p> <p>6 concerned with discrimination, you just wanted to</p> <p>7 get back to work?</p> <p>8 MR. RAY, II: Object to the form.</p> <p>9 You can answer.</p> <p>10 A Yes.</p> <p>11 Q Do you think that there wasn't work</p> <p>12 available because there wasn't enough work to go</p> <p>13 around?</p> <p>14 A What do you mean "enough work to go</p> <p>15 around"?</p> <p>16 Q Do you think that there was enough work to</p> <p>17 provide opportunities to all the brick masons?</p> <p>18 A They had -- that company keep numerous</p> <p>19 jobs, I'm pretty sure there was work somewhere I</p> <p>20 could have been assigned to, other than the</p> <p>21 Gainesville High School.</p> <p>22 Q Did you attempt to get reassigned to any</p>	<p style="text-align: right;">79</p> <p>1 then, all of a sudden, I just decided he wasn't</p> <p>2 going to answer my calls no more. I stopped</p> <p>3 calling him.</p> <p>4 Q And you didn't follow up with anyone else,</p> <p>5 to voice concern about discrimination at that</p> <p>6 point in time?</p> <p>7 A No, not to my knowledge. I don't</p> <p>8 remember.</p> <p>9 Q And you were, eventually, returned to work</p> <p>10 after that, after August 24th?</p> <p>11 A I returned to work September the 14th.</p> <p>12 Q Why didn't you return to work prior to</p> <p>13 September 14th?</p> <p>14 A Why? I think a minute ago I said</p> <p>15 Tranquilino didn't answer my phone calls anymore,</p> <p>16 so I stopped calling him, and I just waited for</p> <p>17 Wilbur to call me. And Wilbur called me, and I</p> <p>18 went back to work September the 14th, which was a</p> <p>19 Monday.</p> <p>20 Q So without you contacting Wilbur, Wilbur</p> <p>21 affirmatively reached out to you to offer you a</p> <p>22 new work opportunity?</p>
<p style="text-align: right;">78</p> <p>1 of those other places outside of Prince William</p> <p>2 High School?</p> <p>3 A No, I didn't.</p> <p>4 Q Why not?</p> <p>5 A Because I was waiting for the job to open</p> <p>6 back up at Faraday Park.</p> <p>7 Q So -- so you did not show up to work at</p> <p>8 Prince William High School because you were</p> <p>9 waiting on an additional opportunity at Faraday</p> <p>10 Park?</p> <p>11 A I was already told not to come back. Why</p> <p>12 would I keep trying to go back somewhere where</p> <p>13 somebody don't want me.</p> <p>14 Q So on August -- well, on August 24th, you</p> <p>15 called Tranquilino, tried to call him again,</p> <p>16 didn't receive any calls back.</p> <p>17 Did you call him again later that week to</p> <p>18 find work?</p> <p>19 A Yes.</p> <p>20 Q When did you call him again?</p> <p>21 A I can't recall. It might have been the</p> <p>22 next day, it might have been two days later, but</p>	<p style="text-align: right;">80</p> <p>1 A I mean, I wasn't terminated or nothing.</p> <p>2 Q But Wilbur did not call you prior to that</p> <p>3 because there was simply a lack of work, or do you</p> <p>4 know why he didn't call you before then?</p> <p>5 MR. RAY, II: Objection to the form.</p> <p>6 BY MR. MOURGES:</p> <p>7 Q Do you know why he didn't call you before,</p> <p>8 then, before September 14th?</p> <p>9 A Because the Faraday Park East job was shut</p> <p>10 down.</p> <p>11 Q And then you went -- you went back to work</p> <p>12 at the Faraday Park East site on September 14th?</p> <p>13 A Yes.</p> <p>14 Q How many days did you work at the Faraday</p> <p>15 Park East site --</p> <p>16 A I went -- excuse me.</p> <p>17 MR. RAY, II: You've got to let him</p> <p>18 finish.</p> <p>19 Q How many days did you work at the Faraday</p> <p>20 Park East site on September 14th?</p> <p>21 MR. RAY, II: David, please try to wait.</p> <p>22 THE WITNESS: I know, I'm sorry.</p>

<p style="text-align: right;">81</p> <p>1 BY MR. MOURGES:</p> <p>2 Q How many days did you work at the Faraday</p> <p>3 Park East site, September 14th onward?</p> <p>4 A I went back on the 14th. I worked that</p> <p>5 day, and then I worked, like, a half day on the</p> <p>6 15th.</p> <p>7 Q Why did you only work a half day on the</p> <p>8 15th?</p> <p>9 A Because when we got to the top of the</p> <p>10 third floor, the windows were either in too far or</p> <p>11 out too far.</p> <p>12 Q Did Wilbur ever indicate when the window</p> <p>13 issue would be resolved and there would be future</p> <p>14 work for you?</p> <p>15 A No.</p> <p>16 Q Wilbur Bonilla never -- did not call you</p> <p>17 on September 15th?</p> <p>18 A I was working on the 15th.</p> <p>19 Q Did Wilbur Bonilla call you on</p> <p>20 September 15th, 2020?</p> <p>21 A Yeah, to tell me to go to the high school.</p> <p>22 Q And what did you tell Mr. Bonilla during</p>	<p style="text-align: right;">83</p> <p>1 he seen them, he putting them to work, so I told</p> <p>2 my brother, Wait, I'm going to see what's going</p> <p>3 on. And when I got over there, he said, Get your</p> <p>4 tools, get your tools, and that's when I was. So</p> <p>5 I was denied that day.</p> <p>6 Q What were you denied?</p> <p>7 A I was denied work. I was already told</p> <p>8 there was no place for me to work, or my brother</p> <p>9 to work.</p> <p>10 Q But you and your brother worked a full day</p> <p>11 on August 21st?</p> <p>12 A Yes, we did.</p> <p>13 Q After that, did you ever on August 24th --</p> <p>14 on the week of August 24th, did you ever attempt</p> <p>15 to show up at the Prince William High School to do</p> <p>16 work?</p> <p>17 A No, I didn't.</p> <p>18 Q And you never attempted to -- you refused</p> <p>19 to do work at Prince William High School?</p> <p>20 A I didn't "refuse" to do work at</p> <p>21 Prince William High School. I was refused to be</p> <p>22 able to work at Prince William High School.</p>
<p style="text-align: right;">82</p> <p>1 that conversation?</p> <p>2 A I asked him why did Tranquilino kept</p> <p>3 sending us to the high school, when he know that</p> <p>4 Jose was going to deny us to work there; and he</p> <p>5 said he didn't know.</p> <p>6 Q Did you ever show up at the Prince William</p> <p>7 High School and were denied work when you showed</p> <p>8 up?</p> <p>9 A Yeah, the 21st of August.</p> <p>10 Q Didn't you work at the Prince William High</p> <p>11 School on August 21st?</p> <p>12 A Yes, I did.</p> <p>13 Q So explain how you were denied a work</p> <p>14 opportunity on August 21st, when you worked that</p> <p>15 day.</p> <p>16 A On the 21st, I was denied work because</p> <p>17 Jose told us there wasn't nothing ready and there</p> <p>18 was no place for us work.</p> <p>19 Q But Jose gave you work on August 21st?</p> <p>20 A Not that Jose, the other Jose. Not</p> <p>21 Jose Valladares, there's another one named Jose.</p> <p>22 I guess he seen -- when the rest of the crew came,</p>	<p style="text-align: right;">84</p> <p>1 Q But you were told to show up to work at</p> <p>2 Prince William High School on September 16th, and</p> <p>3 you did not show up?</p> <p>4 A No, I didn't.</p> <p>5 Q No, you did not what?</p> <p>6 A I did not show up.</p> <p>7 Q But you were offered work on</p> <p>8 September 16th?</p> <p>9 A To the same place that -- yes, I was told</p> <p>10 to go to the same foreman at the Prince William</p> <p>11 High School, who I knew was not going to work me.</p> <p>12 I'm not going to go up there and waste my time to</p> <p>13 drive all the way up there and come back. It's</p> <p>14 not worth it.</p> <p>15 Q But Wilbur Bonilla and</p> <p>16 Tranquilino Villegas both told you that there was</p> <p>17 work there on September 16th?</p> <p>18 MR. RAY, II: Objection. I think we're at</p> <p>19 asked and answered at this point.</p> <p>20 But, David, you can go ahead and answer it</p> <p>21 again.</p> <p>22 A Yes.</p>

<p style="text-align: right;">85</p> <p>1 Q On September 16th, did you ever attempt to</p> <p>2 figure out if there were other work opportunities</p> <p>3 available for you?</p> <p>4 A No.</p> <p>5 Q Did you -- did you ever call anyone about,</p> <p>6 as a result of your being assigned to</p> <p>7 Prince William High School on -- being assigned to</p> <p>8 Prince William High School on September 16th?</p> <p>9 A I think I might have called Jose on</p> <p>10 September 16th or the 18th, one of those days.</p> <p>11 Q When you spoke with Jose on either the</p> <p>12 16th or the 18th, what did you say to him?</p> <p>13 A I asked him, Why do you keep refusing me</p> <p>14 and my brother work when we started the job? And,</p> <p>15 you know, I told him that I feel like you're being</p> <p>16 -- you're discriminating against us, so I'm going</p> <p>17 to file charges with the EEOC.</p> <p>18 Q And what did he say to you?</p> <p>19 A I hung up the phone after that.</p> <p>20 Q How long was this phone conversation with</p> <p>21 Mr. Valladares?</p> <p>22 A Anywhere from a minute, it might have been</p>	<p style="text-align: right;">87</p> <p>1 come back up. So no, I'm not going to waste my</p> <p>2 time to go out there for no reason.</p> <p>3 Q Were you ever told not to show up at a</p> <p>4 given worksite the next week because of an</p> <p>5 unanticipated shortage of work?</p> <p>6 A Or the next week.</p> <p>7 Q On a Friday, are you ever told by a</p> <p>8 supervisor, for example, Mr. Valladares, not to</p> <p>9 show up the next day or the next week, because</p> <p>10 there will not be enough work available?</p> <p>11 A Let me explain it like this -- I'm going</p> <p>12 to say this: If I'm told on the 21st, that if I</p> <p>13 come back on the 24th, I'm not going to work, I'm</p> <p>14 not going to keep going or trying to go there to</p> <p>15 waste my time.</p> <p>16 MR. RAY, II: He's asking you a different</p> <p>17 question, David, so listen to the question again.</p> <p>18 It's a different question.</p> <p>19 THE WITNESS: Okay.</p> <p>20 A Say it again.</p> <p>21 Q I'm asking: Were you ever, in the course</p> <p>22 of employment with Telligent, ever told on a day,</p>
<p style="text-align: right;">86</p> <p>1 five minutes at the most. It was very short. All</p> <p>2 of my conversations are short on the phone.</p> <p>3 Q Did you ever explain to him why you</p> <p>4 thought you were being discriminated against on</p> <p>5 that call?</p> <p>6 A Yeah, Because we are black Americans.</p> <p>7 Q But what was he doing to black Americans</p> <p>8 that you felt was discriminating against you?</p> <p>9 A Denying us work when he allowed Hispanic</p> <p>10 workers to work.</p> <p>11 Q But did Jose stop you from working at the</p> <p>12 job on September 16th?</p> <p>13 MR. RAY, II: Objection, asked and</p> <p>14 answered.</p> <p>15 You can answer again.</p> <p>16 A Yes, he would have. If I had went up</p> <p>17 there, I wouldn't have been able to work. After I</p> <p>18 was already told on the 21st of August, if I come</p> <p>19 back, me and my brother, we're not going to work</p> <p>20 there that Monday, so if we're not going to work</p> <p>21 there that Monday, that means we're not going to</p> <p>22 work for him no more in the future, if we ever</p>	<p style="text-align: right;">88</p> <p>1 basically, Don't show up to the worksite the next</p> <p>2 day or the next week, because we don't have enough</p> <p>3 work for you or your team, and we will not work</p> <p>4 you as a result?</p> <p>5 A And what worksite would that be?</p> <p>6 Q I'm not asking about a specific worksite.</p> <p>7 I'm saying: Are you ever told not to show</p> <p>8 up again the next day, because there's no work</p> <p>9 available at the site?</p> <p>10 A Is this the high school?</p> <p>11 Q I'm not asking about a particular site.</p> <p>12 A No, I haven't.</p> <p>13 Q All right. No one ever told you not to</p> <p>14 show up at the work -- at that same site the next</p> <p>15 day?</p> <p>16 A The same site, meaning which site;</p> <p>17 Faraday, the high school?</p> <p>18 Q Any site. If you're working at</p> <p>19 Springfield Metro, for example, on a day, or</p> <p>20 Faraday Park East, or Prince William High School,</p> <p>21 or any other site where Telligent does work, would</p> <p>22 they ever tell you not to show up to work the next</p>

<p style="text-align: right;">89</p> <p>1 day, because there was no more work to be done, 2 and, therefore, there was no more work available 3 to you? 4 A I really don't know, because I've only 5 been refused work when I was sent to the high 6 school in Gainesville. 7 Q How would you know when work was stopping, 8 that you should not work the next day? 9 A Well, how would I know it's stopping? 10 Because then I'm on the site when they tell me 11 that the job is shut down. 12 Q So they would tell you on the site to not 13 show up the next day because work is going to be 14 done, and that has happened before? 15 A Yes. 16 Q Do you think that is what was being said 17 to you, to not show up to work on Monday, 18 August 24th? Were they telling you that work was 19 not available, because no more work was going to 20 be performed on August 24th; is that why they told 21 you not to show up to work? 22 A On August 24th, I was supposed to go back</p>	<p style="text-align: right;">91</p> <p>1 wasn't the person to talk to. 2 Q When you said you were being 3 "discriminated against," did you give her any 4 examples or specifics? 5 A No, not where I remember. 6 Q Did you ask if she could find someone to 7 put you back to work? 8 A I don't recall. 9 Q Did you voice any frustration to this 10 receptionist? 11 A No, I didn't. 12 Q Did you ever make any suggestions that you 13 would assault Mr. Valladares, or anyone else, at 14 Telligent? 15 A No, I did not. 16 Q Did you speak about -- strike that. 17 All right. On September 23rd, did you receive 18 a call from someone at Telligent? 19 A Yes, I did. 20 Q Do you know who it was that called you? 21 A It was a lady. She didn't give me her 22 name and I didn't ask her name. She did say she</p>
<p style="text-align: right;">90</p> <p>1 to the high school. 2 Q Okay. Did you ever speak with anyone that 3 worked at Telligent, whether it was an employee, 4 or a brick mason, or a foreman, about the activity 5 or availability of work at the sites from 6 August 24th through September 15th, other than the 7 calls listed in your answers to interrogatories? 8 A Not to my knowledge. 9 Q Tell me about your call to Telligent on 10 September 22nd, 2020. 11 A Well, I called the receptionist on the 12 22nd, and I was telling her about what Jose was 13 doing to us out there at the high school, and she 14 told me that -- she wasn't the person that I 15 needed to talk to. She would have this person to 16 call me the next day, which somebody did call me. 17 I didn't get her name. I didn't ask her her name. 18 Q So when you spoke with this receptionist 19 and mentioned Jose, did you mention anything else 20 in that conversation? 21 A Yeah. I told her that I was being 22 discriminated against. That's why she said she</p>	<p style="text-align: right;">92</p> <p>1 was a resource person, human resource. 2 Q And what did you talk about with her? 3 A I told her that Jose was denying me work, 4 and I wonder why. 5 And she said she was going to do an 6 investigation and would get back to me. 7 And I told her, I'm still filing 8 discrimination charges, and I filed the same day. 9 Q Did you request to be put back to work? 10 A No. 11 Q Did you voice any frustrations to her, 12 other than -- 13 A No, I didn't. 14 MR. RAY, II: Let him finish the question. 15 BY MR. MOURGES: 16 Q Did you -- what, specifically, did you 17 tell her about the discrimination that you thought 18 had happened? 19 A I told her that Jose was denying me and my 20 brother work because we are black, and Hispanic 21 workers can still work at the same place he tells 22 us there ain't no work. So...</p>

<p>105</p> <p>1 MR. RAY, II: Listen to his question.</p> <p>2 BY MR. MOURGES:</p> <p>3 Q You have never had any charges brought</p> <p>4 against you relating to drugs or alcohol?</p> <p>5 A Yeah, I said I did.</p> <p>6 Q And then you just said, I have never been</p> <p>7 under the influence of drugs or alcohol.</p> <p>8 A I had charges brought against me, but what</p> <p>9 does that have to do with whether it's in my</p> <p>10 system?</p> <p>11 MR. RAY, II: Answer the question, please.</p> <p>12 THE WITNESS: I don't know how to answer</p> <p>13 that.</p> <p>14 MR. RAY, II: Ask him to rephrase the</p> <p>15 question.</p> <p>16 A Rephrase the question.</p> <p>17 Q I'll go back to the original question.</p> <p>18 Were you under the influence of drugs or</p> <p>19 alcohol when that bicycle accident occurred?</p> <p>20 A No, I wasn't.</p> <p>21 Q Have you ever been under the influence of</p> <p>22 drugs or alcohol since September of 2020?</p>	<p>107</p> <p>1 evidently, just wasn't paying attention, and</p> <p>2 pulled out in front of traffic and got hit.</p> <p>3 Q And when did that occur?</p> <p>4 A May the 28th, 2022.</p> <p>5 Q But you were not driving that day?</p> <p>6 A I don't drive. I haven't got my license</p> <p>7 back, so I don't drive.</p> <p>8 Q How would you get to work at different</p> <p>9 sites of Telligent without a driver's license?</p> <p>10 A Catch the train, bus, or my brother.</p> <p>11 Q How often would you catch the train or the</p> <p>12 bus, versus using your brother?</p> <p>13 A Well, my brother was in the hotel with me.</p> <p>14 I got him in the hotel I was in, so we was going</p> <p>15 to work together.</p> <p>16 Q How far -- you said the hotel was in</p> <p>17 Herndon?</p> <p>18 A Yes.</p> <p>19 Q How far was Herndon from the</p> <p>20 Prince William High School site?</p> <p>21 A I don't know. I would have to Google it.</p> <p>22 I don't know.</p>
<p>106</p> <p>1 A No, never.</p> <p>2 Q Were you ever, prior to September of 2020,</p> <p>3 under the influence of drugs or alcohol?</p> <p>4 A Sure, back in the '80s.</p> <p>5 Q In a typical week, how many days -- during</p> <p>6 2020, in a typical week, how many days did you</p> <p>7 want to work?</p> <p>8 A I wanted to work every day.</p> <p>9 Q Did you seek work every day?</p> <p>10 A After I was terminated?</p> <p>11 Q No, during 2020, before your termination,</p> <p>12 did you seek work every day?</p> <p>13 A When I was -- when they had work, I went</p> <p>14 to work.</p> <p>15 Q How did you know they didn't have work?</p> <p>16 A They would tell me. I would be on the</p> <p>17 job.</p> <p>18 Q So the bicycle accident occurred on</p> <p>19 June 2021. You mentioned another accident; can</p> <p>20 you please describe that accident for me?</p> <p>21 A I was riding with this lady and my niece</p> <p>22 to my niece's graduation in West Virginia, and she</p>	<p>108</p> <p>1 Q How far was the Herndon hotel from the</p> <p>2 Faraday Park East site?</p> <p>3 A About five or seven minutes.</p> <p>4 Q Aside from your situation with</p> <p>5 Jose Valladares, did you prefer working at one</p> <p>6 site to the other?</p> <p>7 A Did I prefer working --</p> <p>8 Q Did you prefer working at Prince William</p> <p>9 High School, versus Faraday Park East?</p> <p>10 A I didn't prefer working at Prince William</p> <p>11 High School because I was denied work. Why would</p> <p>12 I want to keep going to where I'm not wanted?</p> <p>13 Q But aside from that issue, are there any</p> <p>14 reasons why you would prefer one site to the</p> <p>15 other, Faraday Park East, versus Prince William</p> <p>16 High School?</p> <p>17 A As long as I was working, it didn't</p> <p>18 matter.</p> <p>19 Q Did you ever sleep on a worksite of</p> <p>20 Telligent's?</p> <p>21 A No.</p> <p>22 Q Did you ever hide from anyone on a</p>

<p style="text-align: right;">117</p> <p>1 A I don't know. I don't know the man's 2 name. He was a white dude. 3 Q Were there any immediate consequences from 4 Jose Valladares as a result of that conversation? 5 A Meaning what? 6 Q Did Jose Valladares ever make any changes 7 to your work schedule as a result of the incident 8 with the knocking off the hat, or the allegations 9 about your bricklaying speed? 10 A Yeah, when he told me that, because I was 11 going home one day – I was going home that day, 12 that's when he told me that, and me and him had a 13 conversation. He said, Well, you know, I'm not 14 going to fight. Just go to work with one of the 15 other foremans. And that was the last day that I 16 worked for Jose, until I went to work for Wilbur. 17 Q So Jose didn't think that you were a 18 quality brick mason? 19 MR. RAY, II: Objection, form. 20 You can answer. 21 A Evidently, he must did. He didn't fire 22 me. He said, Go work for another bricklayer – I</p>	<p style="text-align: right;">119</p> <p>1 Q Did you say anything to the white man who 2 was involved in the altercation? 3 A No, I didn't. 4 Q Did anyone say anything to him as a result 5 of that altercation, whether it was your nephew, 6 or the foreman, or anyone else? 7 A I have no idea. 8 Q So do you think your brother, Albert, is a 9 good brick mason? 10 A I think he is. 11 Q Why do you think he is? 12 A Because if he wasn't, why would they put 13 him on the wall? 14 Q Does he show up to work on time? 15 A He shows up. 16 Q How fast does he lay bricks? 17 A He's not as fast as me, because he's an 18 apprentice. 19 Q About how fast do you think that he lays 20 bricks? 21 A I can't tell you how fast he is, because I 22 just focus, as I said, on my work and what I'm</p>
<p style="text-align: right;">118</p> <p>1 mean, another foreman. 2 Q But he told you not to work for him? 3 A He didn't tell me not to work for him. He 4 just said he's not going to fire me, because I 5 told him I was going home. He just told me, Just 6 try and work for another foreman. So if my work 7 wasn't quality, I think he would have got rid of 8 me. 9 Q During that conversation, did you ever say 10 anything about threatening physical harm to him? 11 A No, I didn't. 12 Q Did you ever talk to him, to 13 Jose Valladares, later, where you threatened 14 physical harm? 15 A No, I didn't. 16 Q Did you ever tell anyone else that you 17 were going to commit physical harm against Jose? 18 A No, I did not. 19 Q Did you ever tell anyone at Telligent that 20 you were going to commit any act of violence 21 against any other Telligent employee? 22 A No, never.</p>	<p style="text-align: right;">120</p> <p>1 doing. I don't focus on what other people is 2 doing. 3 Q Do you have any idea how fast you were 4 laying bricks? 5 A Well, I'll tell you, I will put it like 6 this: I'm not as fast as I used to be when I was 7 20 years old. So that's it. 8 Q How fast were you at laying bricks when 9 you were 20? 10 A Fast enough where people my age now tell 11 me, Slow down young buck, which I never understood 12 what they meant, but as I got older... 13 Q In 2020, could you lay more than 20 bricks 14 an hour? 15 A Say what? 16 Q In 2020, could you lay more than 20 blocks 17 in an hour? 18 A Sure. 19 Q Did you? 20 A Way more. 21 Q How many more? 22 A I don't know. I didn't count.</p>

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<p style="text-align: right;">133</p> <p>1 the end -- I'm sorry. We are off the record at 2 12:50. 3 (A recess was taken.) 4 THE VIDEOGRAPHER: We are back on the 5 record at 1:02 p.m. 6 MR. MOURGES: Okay. Mr. Timbers, thank 7 you for your patience. I only have a few more 8 questions, and I don't think it will last very 9 long. 10 I, first, want to enter in as an exhibit, 11 this. This is exhibit what number? 12 THE COURT REPORTER: 5. 13 MR. MOURGES: 5. 14 THE COURT REPORTER: So do you care if I 15 put the sticker here? 16 MR. MOURGES: That's fine. 17 (Whereupon, the above-referenced document 18 was marked as Exhibit No. 5.) 19 (Documents passed.) 20 MR. RAY, II: I think I got two copies, 21 counsel. 22 BY MR. MOURGES:</p>	<p style="text-align: right;">135</p> <p>1 Q Why did you not receive any unemployment? 2 A Because I had filed before, and -- I 3 forget what all happened. I can't recall what all 4 happened, but I didn't end up getting no 5 unemployment. 6 Q Okay. On the fifth -- or fourth page, 7 it's marked, "Telligent Bates 23," it provides 8 statements relating to -- from Telligent relating 9 to the basis for your termination. 10 Do you agree with the statements contained 11 therein? 12 A No, I don't. 13 Q What don't you agree with? 14 A Because I don't agree with them -- they 15 fired me the same day that I said that I was 16 filing charges. 17 Q Do you disagree with the statement that 18 says, "What was the final incident that led to 19 discharged/suspension"? 20 "Claimant threatened to harm employee on 21 several occasions." 22 A I never threatened anybody or to harm</p>
<p style="text-align: right;">134</p> <p>1 Q Mr. Timbers, have you had a chance to 2 review Exhibit 5? 3 (Whereupon, a pause in the proceedings 4 occurred.) 5 A Yes, I have. 6 Q So what do these relate to? 7 A This relates to something about some 8 threats. 9 Q So if you read the top of the third page, 10 it's a filing with, "Virginia Employment 11 Commission Employer's Report of Separation and 12 Wage Information." This was in response to a 13 claim for unemployment insurance that I believe 14 you made. 15 Did you, in fact, make a claim for 16 unemployment insurance on October 1st, 2020? 17 A I think I called -- yeah, I did call. 18 Q And you requested unemployment 19 compensation at that point? 20 A Yes. 21 Q Did you receive any? 22 A No, I didn't.</p>	<p style="text-align: right;">136</p> <p>1 anyone. 2 Q Did you receive a copy of the 3 antiharassment policy? 4 A I can't recall. 5 Q Did you receive a copy of the employee 6 handbook when you were hired? 7 A Yes, I did. 8 Q On the second-to-last page, "Telligent 9 Bates 200," it indicates that the, "Reason for 10 Separation," was, "Lack of Work." 11 Was that -- did you indicate that there 12 was a lack of work on January 23rd, 2020? 13 A Yes, because I wasn't working. 14 Q Okay. Did you ever get any unemployment 15 compensation as a result of that? 16 A I haven't drawn unemployment. 17 Q You've never received unemployment 18 insurance benefits? 19 A Way before this, back in the '90s. 20 MR. MOURGES: Okay. And then one more 21 exhibit. 22 (Whereupon, the above-referenced document</p>

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<p>137</p> <p>1 was marked as Exhibit No. 6.)</p> <p>2 (Documents passed.)</p> <p>3 Q So Exhibit 6 is a packet relating to your</p> <p>4 termination notice and other documents that</p> <p>5 Telligent provided in the EEOC proceedings. The</p> <p>6 third page, Plaintiff 18, at the bottom, indicates</p> <p>7 that, "Mr. David Timbers made several verbal</p> <p>8 threats towards another employee in addition to</p> <p>9 poor work performance."</p> <p>10 Do you agree with that statement?</p> <p>11 A I never threatened anyone.</p> <p>12 Q Do you agree with the statement that you</p> <p>13 had "poor work performance"?</p> <p>14 A I was never told my work performance was</p> <p>15 poor by anybody at Telligent Masonry.</p> <p>16 Q Aside from not being told, do you think</p> <p>17 that your work performance was poor?</p> <p>18 A No, it wasn't.</p> <p>19 Q On the following page, the position</p> <p>20 statement, "Plaintiff 19," at the bottom, this is</p> <p>21 a, "Position Statement," of Telligent, from</p> <p>22 December 2nd, 2020, in which the first paragraph,</p>	<p>139</p> <p>1 was denied work at Prince William High School.</p> <p>2 And she said, Oh, I'm not the person that</p> <p>3 you want to talk to. She's not in, I'll have her</p> <p>4 call you tomorrow.</p> <p>5 Q Did you mention any of your supervisors,</p> <p>6 whether it was Jose Valladares or other people</p> <p>7 like Joseph Williams or Tranquilino?</p> <p>8 A No, I didn't.</p> <p>9 Q You did not mention anyone else to her?</p> <p>10 A No.</p> <p>11 Q On, "Telligent Bates 89," it's about three</p> <p>12 or four more pages in, it's an, "Employee</p> <p>13 Complaint Form," from Jose Valladares. It</p> <p>14 describes an incident with you on September 18th.</p> <p>15 Did you call Jose Valladares on</p> <p>16 September 18th?</p> <p>17 A Yes, I did.</p> <p>18 Q Did you state that Jose only gives work to</p> <p>19 white and Hispanic employees?</p> <p>20 A Yes, I did.</p> <p>21 Q And did you state that you would be</p> <p>22 reporting the company to the labor board?</p>
<p>138</p> <p>1 it says, "Brionna Prater," the receptionist that</p> <p>2 you called on September 22nd, said that you said,</p> <p>3 "if Jose doesn't put him on the schedule, he was</p> <p>4 going to go up there and beat his ass."</p> <p>5 Did you make that statement to Ms. Prater?</p> <p>6 A No, I didn't.</p> <p>7 Q Did you make any statement similar to that</p> <p>8 to Ms. Prater?</p> <p>9 A No.</p> <p>10 Q So you did not -- you did not verbally</p> <p>11 threaten Jose Valladares three times during that</p> <p>12 phone conversation?</p> <p>13 A Not at all.</p> <p>14 Q Did you express frustration about not</p> <p>15 getting assigned work to Ms. Prater?</p> <p>16 A No, I didn't, because she didn't want to</p> <p>17 talk to me. She said she wasn't the person to</p> <p>18 talk to.</p> <p>19 Q Did you say anything to her?</p> <p>20 A Yeah, what I said I said.</p> <p>21 Q What did you say you said?</p> <p>22 A I told her that I was calling because I</p>	<p>140</p> <p>1 A It's possible.</p> <p>2 Q Do you think that you did?</p> <p>3 A I might have.</p> <p>4 Q Do you know -- turning to the next page,</p> <p>5 "Telligent Bates 90," do you know a foreman by the</p> <p>6 name of David Arnold?</p> <p>7 A No, I don't.</p> <p>8 Q You've never worked with someone named</p> <p>9 David Arnold?</p> <p>10 A Not as I know of.</p> <p>11 Q Have you ever worked with a foreman named</p> <p>12 Niesha?</p> <p>13 A Yeah.</p> <p>14 Q When did you work under her?</p> <p>15 A When I was in Springfield.</p> <p>16 Q Did she ever decide not to work you?</p> <p>17 A No. But when I didn't go -- when me and</p> <p>18 Jose told me he wasn't going to fire me, she told</p> <p>19 my brother, asked my brother, Did I want to come</p> <p>20 back to work for her, and I never came back to</p> <p>21 work for her because I didn't want to work for</p> <p>22 her. She wanted me to come back.</p>

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<p>153</p> <p>1 previously, but from what you can recall from 2019</p> <p>2 till '20 -- August of 2020, when you said you were</p> <p>3 experiencing racial discrimination, did you ever</p> <p>4 experience any racial discrimination, any</p> <p>5 harassment at all, from Telligent?</p> <p>6 A Before that?</p> <p>7 Q From when you came back in March of 2019,</p> <p>8 to when you said discrimination started to occur</p> <p>9 around July or August of 2020?</p> <p>10 A Yeah. I mean, I didn't face anything</p> <p>11 until, like I said, after the incident with my</p> <p>12 nephew, that's when it started changing.</p> <p>13 Q Okay. And you said that incident occurred</p> <p>14 in 2019?</p> <p>15 A Yes.</p> <p>16 Q Correct. Okay, but do you remember what</p> <p>17 date in 2019 that occurred?</p> <p>18 A No, I don't.</p> <p>19 Q And do you recall what worksite that</p> <p>20 occurred on?</p> <p>21 A It was at Prince William High School.</p> <p>22 Q Okay. So based off of your answers, you</p>	<p>155</p> <p>1 A It started after the incident.</p> <p>2 Q And what instances of discrimination or</p> <p>3 harassment did you experience?</p> <p>4 A Well, I experienced that, you know that</p> <p>5 they fired my nephew. Like I said, on any job</p> <p>6 site, they fire both people, because that's the</p> <p>7 way it's done. So I felt discriminated against,</p> <p>8 because they didn't fire the other guy, and they</p> <p>9 fired the black person, who was my nephew.</p> <p>10 Q Okay. And outside of that incident where</p> <p>11 your nephew was fired, were there any other</p> <p>12 incidents of discrimination that you experienced?</p> <p>13 A My brother quit and my nephew quit. Both</p> <p>14 of my nephews quit, and I was the only one out</p> <p>15 there, and I felt discriminated against right at</p> <p>16 that moment.</p> <p>17 Q Okay. And why -- did your brother</p> <p>18 specifically tell you why he quit?</p> <p>19 A Yeah.</p> <p>20 Q And why was that?</p> <p>21 A Because they didn't fire the white guy,</p> <p>22 and he felt like they just fired my nephew because</p>
<p>154</p> <p>1 did say that you were hired back again on</p> <p>2 January 24th, 2020, at Telligent?</p> <p>3 A January?</p> <p>4 Q Yes, I believe that's the date we just</p> <p>5 went over in your answers to interrogatories.</p> <p>6 A I thought it was March, it might have been</p> <p>7 January. Was that at the Faraday Park?</p> <p>8 Q I believe so. You said you were hired</p> <p>9 back at Telligent, and you didn't give us a</p> <p>10 specific worksite.</p> <p>11 A I was hired back in 2020.</p> <p>12 Q Okay. Do you think it might have been the</p> <p>13 Faraday site?</p> <p>14 A It was the Faraday site, that's the only</p> <p>15 place I went to work.</p> <p>16 Q Okay. Well, from January 2020, until when</p> <p>17 the incident occurred, or you said the</p> <p>18 discrimination started to occur in July 2020, did</p> <p>19 you experience any racism during that time -- from</p> <p>20 Telligent?</p> <p>21 A During what time?</p> <p>22 Q From January 2020 until July 2020?</p>	<p>156</p> <p>1 he's a black American.</p> <p>2 Q Which brother was this?</p> <p>3 A Albert.</p> <p>4 Q Albert, okay. And you have two brothers;</p> <p>5 is that correct?</p> <p>6 A Yes.</p> <p>7 Q Were both of the brothers -- did they work</p> <p>8 at the Telligent site?</p> <p>9 A Yes, they did. Yes, they did.</p> <p>10 Q Okay. So Albert quit; is that correct?</p> <p>11 A He quit --</p> <p>12 Q Okay. And your other brother, can you</p> <p>13 state his name?</p> <p>14 A Anthony.</p> <p>15 Q Anthony. And did Anthony continue to work</p> <p>16 at Telligent?</p> <p>17 A Yeah.</p> <p>18 Q Okay. Do you know if he still currently</p> <p>19 works there?</p> <p>20 A No, none of us work there anymore.</p> <p>21 Q Okay. So I want to go back to something</p> <p>22 you previously said, you stated, at any worksite</p>

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<p>169</p> <p>1 A It was in the morning. I can't recall the</p> <p>2 exact time, but I know it was after 7:00.</p> <p>3 Q Okay. So is it your claim in this matter</p> <p>4 that Ms. Taylor did not investigate your claim of</p> <p>5 discrimination and recommended that you be fired</p> <p>6 solely for making the claim?</p> <p>7 A Yes.</p> <p>8 Q Okay. What evidence do you have of that?</p> <p>9 MR. RAY, II: Object to the form of the</p> <p>10 question.</p> <p>11 You can answer it.</p> <p>12 A I don't have no evidence. All I know, I</p> <p>13 was fired the same day that she told me she was</p> <p>14 going to investigate what I had told her.</p> <p>15 Q And how did you receive notice that you</p> <p>16 were fired?</p> <p>17 A When I got my last paycheck.</p> <p>18 Q And when did you receive your last</p> <p>19 paycheck?</p> <p>20 A That Friday.</p> <p>21 Q Okay. So were you notified that day, or</p> <p>22 were you notified later when you received your</p>	<p>171</p> <p>1 A No, when I got these papers, I filed the</p> <p>2 claim.</p> <p>3 Q Okay. So when you filed the claim, that's</p> <p>4 when you were notified of Ms. Taylor's name?</p> <p>5 A Yeah, when I got this from my attorney.</p> <p>6 Q Okay. Well, on September 23rd, 2020,</p> <p>7 after you spoke with the HR representative, did</p> <p>8 you speak with anybody else --</p> <p>9 A No.</p> <p>10 Q -- that day.</p> <p>11 So after you made this claim -- or</p> <p>12 explained the situation to Ms. Taylor, what did</p> <p>13 you do for the remainder of September 23rd, 2020?</p> <p>14 A What did I "do"?</p> <p>15 Q Yeah, like did you speak with anyone, did</p> <p>16 you go somewhere?</p> <p>17 A No, I didn't.</p> <p>18 Q Okay. And you didn't -- okay, strike</p> <p>19 that.</p> <p>20 Do you recall the reasons for your</p> <p>21 termination that were outlined in the termination</p> <p>22 notice?</p>
<p>170</p> <p>1 last paycheck?</p> <p>2 A Notified what?</p> <p>3 Q That you were terminated.</p> <p>4 A I didn't find out until I got my last</p> <p>5 paycheck. It was a paper attached to the check.</p> <p>6 Q Okay. And it had the date that your</p> <p>7 termination was September 23rd, 2020?</p> <p>8 A Twenty-third.</p> <p>9 Q And is it your claim today that</p> <p>10 Ms. Taylor, herself, made up the false allegations</p> <p>11 of poor work performance, or that someone else</p> <p>12 falsely reported that to her?</p> <p>13 A I don't know who made it up. I couldn't</p> <p>14 answer that.</p> <p>15 Q Okay. Well, from your experience, did</p> <p>16 Ms. Taylor ever supervise you at any of your</p> <p>17 worksites?</p> <p>18 A I don't know who Ms. Taylor is. I've</p> <p>19 never seen her.</p> <p>20 Q Okay. But you said you discovered the</p> <p>21 name when you received the notice of termination</p> <p>22 from the HR representative?</p>	<p>172</p> <p>1 A Do I what?</p> <p>2 Q Recall the reasons that were stated in the</p> <p>3 termination notice?</p> <p>4 A No. Because they said my work performance</p> <p>5 was bad, I threatened employees.</p> <p>6 Q Okay. And prior to receiving the</p> <p>7 termination, did you make any verbal or physical</p> <p>8 threats towards any employee or representative of</p> <p>9 Telligent?</p> <p>10 A No, I have never.</p> <p>11 Q Okay. And you did not speak to anyone and</p> <p>12 said that you wanted to commit any physical acts</p> <p>13 towards any Telligent employee?</p> <p>14 A No.</p> <p>15 Q Okay. And from your understanding, what</p> <p>16 was Ms. Taylor's role with Telligent?</p> <p>17 A As of now, I know she's the human resource</p> <p>18 person.</p> <p>19 Q Okay. And typically, through your</p> <p>20 experience, what is the role of a human resource</p> <p>21 officer?</p> <p>22 A They're the people who are supposed to</p>

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<p style="text-align: right;">173</p> <p>1 make sure that everybody is in good health or 2 something. I don't know what her role is. I 3 really don't know. 4 Q Have you ever interacted with a human 5 resource -- 6 A No, I haven't. Sorry. 7 Q At any of your places of employment, have 8 you ever filled out any documents related to, 9 like, onboarding, or anything like that? 10 A No. 11 Q "No"? Okay. 12 So just for clarification, prior to 13 September 23rd, 2020, you stated you never had any 14 conversations with Ms. Taylor? 15 A No. 16 Q Okay. You never asked anyone to speak to 17 an HR representative prior to that date? 18 A No. 19 Q Okay. And why did you choose not to? 20 A Because I -- see, I'm a bricklayer, I'm 21 not going to be thinking about people who -- 22 such-and-such positions in the offices. I'm not</p>	<p style="text-align: right;">175</p> <p>1 A I'm pretty sure they're in the office. 2 Q Okay. And you called her, and you asked 3 to speak to someone related -- 4 A I didn't ask her to speak to anyone. 5 Q Okay. So can you describe for us again, 6 when you spoke to the receptionist on 7 September 22nd, 2020, what did you explain to her? 8 A I told her that I was being refused work, 9 and that I was going to file discrimination 10 charges. 11 And she said she wasn't the person to talk 12 to. she would have somebody call me tomorrow, 13 which was the 23rd. 14 Q Okay. So after you did talk to Ms. Taylor 15 on September 23rd, 2020, did you expect her to 16 investigate what you had explained to her? 17 A No, I didn't. No, I didn't. That's why I 18 told her I was filing charges. 19 Q Okay. So you just spoke to Ms. Taylor, 20 because you just wanted to let her know? 21 A Once again, she called me -- 22 Q Uh-huh.</p>
<p style="text-align: right;">174</p> <p>1 thinking about an HR person. 2 Q Okay. Well, when was the first time you 3 felt you experienced discrimination? You did not 4 report it to an HR person, at that time? 5 A No. Because I didn't know there was such 6 a person. I mean, like I said, even though it 7 might have been in the handbook they gave me, I 8 can't remember everything that's in that handbook. 9 I don't think nobody that works for Telligent 10 right now, after reading that handbook, would 11 remember everything that's in there. 12 Q Okay. When you reported this incident to 13 Ms. Taylor, what did you expect Ms. Taylor to do? 14 A I didn't. She called me. Like I said, I 15 didn't call her. 16 Q Okay. But you originally called an 17 HR office, correct? 18 A No, I called -- 19 Q The office? 20 A -- I called the receptionist. 21 Q Okay. Where is the receptionist located, 22 in an office?</p>	<p style="text-align: right;">176</p> <p>1 A -- and you just asked me, Did I expect her 2 to do an investigation? 3 And I said, "No, I didn't." That's why I 4 told her that I was filing charges. 5 Q Okay. From your understanding, typically, 6 do human resource officers make the final hiring 7 and firing decisions? 8 MR. RAY, II: Object to the form. 9 You can answer. 10 A I have no idea what they do. 11 Q Okay. So when you spoke to Ms. Taylor, 12 when she called you, you had no idea what her role 13 with the company was? 14 A Like I said, I don't know what an HR 15 operation is. 16 Q Okay. But you were aware that she did not 17 supervise your work when you were on worksites? 18 A I don't know. 19 Q Okay. But prior to September 23rd, 2020, 20 you had never spoke to her before? 21 A I never spoke to her at all. 22 Q And prior to filing this suit, you did not</p>

<p>177</p> <p>1 know what her name was?</p> <p>2 A I didn't know her name.</p> <p>3 MS. GLOVER: I think we'll stop there.</p> <p>4 That's all we have. Thank you Mr. Timbers.</p> <p>5 THE WITNESS: You're welcome.</p> <p>6 EXAMINATION</p> <p>7 BY MR. JAMES M. RAY, II:</p> <p>8 Q Mr. Timbers, I just have a few follow-up</p> <p>9 questions for you. Stay on that document. I'm</p> <p>10 going to ask you to go to page 9. In the first</p> <p>11 paragraph, and in the second paragraph on page 9,</p> <p>12 this is your answers to Defendant Tia Taylor's</p> <p>13 interrogatories, you write, "Defendant</p> <p>14 Tia Taylor's alleged investigation lasted only a</p> <p>15 few hours. Upon information and belief,</p> <p>16 immediately following her telephone conversation</p> <p>17 with plaintiff on September 23rd, 2020, Defendant</p> <p>18 Tia Taylor, acting individually and as an agent</p> <p>19 and employee of Defendant Telligent, decided to</p> <p>20 terminate your employment."</p> <p>21 Do you remember writing that?</p> <p>22 A I remember saying that.</p>	<p>179</p> <p>1 Okay. Do you remember receiving this</p> <p>2 document in the mail, Mr. Timbers?</p> <p>3 A Yes, I do.</p> <p>4 Q Okay. Can you tell me who signed the</p> <p>5 document at the bottom?</p> <p>6 A Tia Taylor.</p> <p>7 Q Do you remember when you received this</p> <p>8 document?</p> <p>9 A No, I do not.</p> <p>10 Q Would it be fair to say that it was a</p> <p>11 couple days after your conversation with her on</p> <p>12 September 23rd, 2020?</p> <p>13 A I can't recall.</p> <p>14 Q Okay. Whenever it was that you received</p> <p>15 this document, was that the first time that you</p> <p>16 learned that Ms. Taylor had issued you a</p> <p>17 termination notice?</p> <p>18 A Yes.</p> <p>19 Q Okay. So your testimony that the first</p> <p>20 time you found out about Ms. Taylor was when this</p> <p>21 lawsuit was filed, that's actually incorrect,</p> <p>22 right?</p>
<p>178</p> <p>1 Q Okay. Is that your testimony today?</p> <p>2 A Yes.</p> <p>3 Q Okay. Go down to paragraph 2 on that</p> <p>4 page. I'm about four lines down. You indicate,</p> <p>5 "The termination notice also alleged that</p> <p>6 plaintiff was being discriminated -- excuse me,</p> <p>7 terminated, due to his conduct over the past</p> <p>8 several months."</p> <p>9 Do you remember writing that?</p> <p>10 A Yes.</p> <p>11 Q Okay. Is that your testimony here today?</p> <p>12 A Yes, it is.</p> <p>13 Q And it's your testimony that Defendant</p> <p>14 Tia Taylor put that information in the termination</p> <p>15 notice?</p> <p>16 A Yes.</p> <p>17 Q Go to Defendants' Exhibit 6 that was</p> <p>18 provided to you earlier today. It's a termination</p> <p>19 notice.</p> <p>20 (Whereupon, a pause in the proceedings</p> <p>21 occurred.)</p> <p>22 Q It's right here.</p>	<p>180</p> <p>1 A What's that?</p> <p>2 Q Listen to the question. So the first time</p> <p>3 you found out about Ms. Taylor's involvement in</p> <p>4 this lawsuit was sometime in September of 2020,</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 Q Okay. So let's go to page 18 of the</p> <p>8 document that you're looking at, 001.</p> <p>9 Plaintiff 0001, do you see that page?</p> <p>10 (Whereupon, a pause in the proceedings</p> <p>11 occurred.)</p> <p>12 A (Witness complies.)</p> <p>13 Q Okay. All right. So do you remember</p> <p>14 reviewing this document?</p> <p>15 A Yes, that was stapled to my final</p> <p>16 paycheck.</p> <p>17 Q So this was what was mailed to you?</p> <p>18 A Yes.</p> <p>19 Q And you reviewed this sometime in</p> <p>20 September of 2020?</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. And the termination date is listed</p>

Conducted on July 18, 2022

<p>181</p> <p>1 as September 23, 2020, correct?</p> <p>2 A Correct.</p> <p>3 Q And there's also some allegations of poor</p> <p>4 performance and making threats towards employees</p> <p>5 written in the particular section there, correct?</p> <p>6 A Yes.</p> <p>7 Q Mr. Timbers, prior to you receiving this</p> <p>8 document in September of 2020, did you ever, by</p> <p>9 any Telligent employee, been notified that your</p> <p>10 work performance was poor, or that you were making</p> <p>11 threats against other employees?</p> <p>12 A No.</p> <p>13 Q Okay. Let's go to the next page,</p> <p>14 Plaintiff 00019.</p> <p>15 A (Witness complies.)</p> <p>16 Q This document is called "Position</p> <p>17 Statement," correct?</p> <p>18 A Yes.</p> <p>19 Q And can you flip the page to 00020.</p> <p>20 A (Witness complies.)</p> <p>21 Q Who signed that document?</p> <p>22 A Tia Taylor.</p>	<p>183</p> <p>1 Q Okay. Same question: Were you ever</p> <p>2 reprimanded either verbally or in writing for not</p> <p>3 laying enough brick?</p> <p>4 A No.</p> <p>5 Q Okay. Same question: Have you ever been</p> <p>6 reprimanded during the time that you were employed</p> <p>7 at Telligent, either verbally or in writing, for</p> <p>8 showing up late to work?</p> <p>9 A No.</p> <p>10 Q Okay. Have you ever been reprimanded</p> <p>11 during your time of employment at Telligent,</p> <p>12 either verbally or in writing, for having your</p> <p>13 work torn down?</p> <p>14 A No.</p> <p>15 Q Okay. During the time period that you</p> <p>16 were employed at Telligent, were you ever</p> <p>17 reprimanded, either verbally or in writing, for</p> <p>18 being under the influence of drugs or alcohol on</p> <p>19 the job?</p> <p>20 A No.</p> <p>21 Q Okay. Have you ever received any written</p> <p>22 or formal disciplinary action against you during</p>
<p>182</p> <p>1 Q Do you recall reviewing this document</p> <p>2 during the pendency of the EEOC investigation in</p> <p>3 this case?</p> <p>4 A No.</p> <p>5 Q Okay. Why don't you review it for us.</p> <p>6 Let me know when you're done.</p> <p>7 (Whereupon, a pause in the proceedings</p> <p>8 occurred.)</p> <p>9 A I'm done.</p> <p>10 Q Mr. Timbers, in this document, does</p> <p>11 Defendant Taylor admit that she documented your</p> <p>12 complaint of discrimination?</p> <p>13 A Right. True.</p> <p>14 Q Okay. Let's talk about some other issues</p> <p>15 that came up during your testimony. First and</p> <p>16 foremost, you touched on this briefly, but during</p> <p>17 your -- during the time period that you worked for</p> <p>18 Telligent, were you ever reprimanded, either</p> <p>19 verbally, or in writing, for being a slow worker?</p> <p>20 A No.</p> <p>21 Q Okay.</p> <p>22 A Never.</p>	<p>184</p> <p>1 the time period that you were employed at</p> <p>2 Telligent?</p> <p>3 A No, I wasn't.</p> <p>4 Q Okay. Let's go to one of the exhibits</p> <p>5 that counsel provided you previously, and I will</p> <p>6 tell you the number. It's No. 5. Pull up No. 5,</p> <p>7 it's the unemployment information.</p> <p>8 (Whereupon, a pause in the proceedings</p> <p>9 occurred.)</p> <p>10 Q Okay. Have you got that pulled up?</p> <p>11 A Yeah.</p> <p>12 Q I'm on page "Telligent Bates No. 23," so</p> <p>13 in the top right corner, you'll see Bates numbers.</p> <p>14 Keep flipping until you're on 23.</p> <p>15 A Okay.</p> <p>16 Q Okay. So you reviewed this document with</p> <p>17 counsel earlier. They asked you some questions</p> <p>18 about the particulars on that page, specifically</p> <p>19 the reason for discharge, and it reads, "Claimant</p> <p>20 threatened to harm fellow employee on several</p> <p>21 occasions."</p> <p>22 Do you have any idea what that is</p>

<p>185</p> <p>1 referring to?</p> <p>2 A No, I don't.</p> <p>3 Q Okay. Do you see the date of this</p> <p>4 document on the bottom right-hand corner of the</p> <p>5 page?</p> <p>6 A Yes.</p> <p>7 Q What's the date?</p> <p>8 A "10/26."</p> <p>9 Q Of what year?</p> <p>10 A '20. 10/26/20.</p> <p>11 Q Was that after you told Ms. Taylor that</p> <p>12 you were going to be filing a charge of</p> <p>13 discrimination?</p> <p>14 A Yes, it is.</p> <p>15 Q Okay. Did you ever -- were you ever</p> <p>16 informed at any time prior to that, that you were</p> <p>17 threatening employees?</p> <p>18 A No.</p> <p>19 Q Okay. Let's talk about -- and you're not</p> <p>20 making a hostile work environment claim in this</p> <p>21 case, are you?</p> <p>22 A No.</p>	<p>187</p> <p>1 Q So you didn't hit the guy's hat off?</p> <p>2 A No.</p> <p>3 Q Did you scream or say anything verbally to</p> <p>4 the other employee?</p> <p>5 A No, I just hollered at my nephew, and I</p> <p>6 told him "No." That's all I said, and he stopped.</p> <p>7 I guess if I hadn't said that, he probably would</p> <p>8 have done something more.</p> <p>9 Q Mr. Timbers, earlier in your testimony,</p> <p>10 when you were describing the emotional distress</p> <p>11 that you were feeling, you said, "Nobody wants</p> <p>12 me."</p> <p>13 Can you let us know what you meant when</p> <p>14 you said "nobody wants" you?</p> <p>15 A I mean, you know, when you're going</p> <p>16 through something like that, you feel everybody is</p> <p>17 against you, the whole world. I felt like the</p> <p>18 world was against me at that moment, and just took</p> <p>19 a lot out of me.</p> <p>20 Q When you say -- when you describe the</p> <p>21 moment, are you describing the incidents of where</p> <p>22 you were denied work on the 21st of August?</p>
<p>186</p> <p>1 Q You're not claiming back pay in this case,</p> <p>2 are you?</p> <p>3 A No, I'm not.</p> <p>4 Q Counsel asked you some questions</p> <p>5 previously about the specific date,</p> <p>6 September 16, 2020. Okay. When they -- Telligent</p> <p>7 employees advised you to work at the Prince</p> <p>8 William Gainesville High School location.</p> <p>9 Do you recall that?</p> <p>10 A Uh-huh, yes.</p> <p>11 Q In your own words, what was your reason</p> <p>12 for not showing up on the 16th?</p> <p>13 A Because I knew if I showed up there on the</p> <p>14 16th, I wasn't going to work, so I wasn't going to</p> <p>15 waste my time.</p> <p>16 Q Just so the record is clear, there was a</p> <p>17 -- some testimony regarding an altercation that</p> <p>18 took place between your nephew Jesse, and a white</p> <p>19 brick mason, correct?</p> <p>20 A Correct.</p> <p>21 Q Did you have any role in that altercation?</p> <p>22 A No, I didn't.</p>	<p>188</p> <p>1 A Yes.</p> <p>2 Q Okay. Your complaint in the interrogatory</p> <p>3 answers that counsel asked you about previously,</p> <p>4 mentioned July, not August.</p> <p>5 You're not claiming that any</p> <p>6 discrimination took place in July, are you?</p> <p>7 A No, I'm not.</p> <p>8 Q This took place in August of 2020,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q And we put an incorrect date initially;</p> <p>12 isn't that right?</p> <p>13 A Yes.</p> <p>14 Q And upon reviewing some of the discovery</p> <p>15 material, you realized the time frame was in</p> <p>16 August; is that correct?</p> <p>17 A In August.</p> <p>18 Q Okay. Counsel asked you previously about</p> <p>19 an individual named Jose Louis Penado.</p> <p>20 Is that the individual that was working</p> <p>21 with Jose Valladares at the Prince William High</p> <p>22 School job?</p>

<p style="text-align: right;">193</p> <p>1 office, and you spoke with an individual named</p> <p>2 Joe Williams; is that correct?</p> <p>3 A Yes.</p> <p>4 Q And do you recall what you told</p> <p>5 Mr. Williams, as a result of that conversation?</p> <p>6 A I told him, Did he have some place for me</p> <p>7 and my brother to go to work that Monday, because</p> <p>8 Jose told us not to come back, he wasn't going to</p> <p>9 work us.</p> <p>10 Q What did Mr. Williams say?</p> <p>11 A At that point he said, Oh, you're the one</p> <p>12 who was fighting another bricklayer.</p> <p>13 And I said, Me? If it was me, why would I</p> <p>14 be still working here? I said, That was my</p> <p>15 nephew.</p> <p>16 And he said he would call me back. And</p> <p>17 about five minutes later he called me back. I</p> <p>18 can't remember the conversation, but it didn't go</p> <p>19 anywhere, so it ended.</p> <p>20 Q So the next communication we have is on</p> <p>21 August 24th, okay. In your answers to</p> <p>22 interrogatories, you indicate here that you called</p>	<p style="text-align: right;">195</p> <p>1 Mr. Villegas on either one of those days?</p> <p>2 A No.</p> <p>3 Q Okay. What was the purpose of you</p> <p>4 calling?</p> <p>5 A I asked him why he didn't return my calls,</p> <p>6 like he said, and if he had found another place</p> <p>7 for us to work.</p> <p>8 Q Okay. On August 28th, the next</p> <p>9 communication that I have is a call -- actually</p> <p>10 excuse me, it looks like you continued to call</p> <p>11 Mr. Tranquilino on the 28th, as well; is that</p> <p>12 correct?</p> <p>13 A Correct.</p> <p>14 Q And did he ever touch base with you on the</p> <p>15 28th?</p> <p>16 A He never did.</p> <p>17 Q Okay. So the next communication I have is</p> <p>18 sometime, it says between September 10th and</p> <p>19 September 13th, 2020, from Wilbur -- I'm going to</p> <p>20 say his name wrong -- Bonilla.</p> <p>21 Did that take place?</p> <p>22 A Yes.</p>
<p style="text-align: right;">194</p> <p>1 Mr. Williams again. I believe that you testified</p> <p>2 that you called Tranquilino Villegas.</p> <p>3 A Correct.</p> <p>4 Q Which one did you call on the 24th?</p> <p>5 A Tranquilino.</p> <p>6 Q So we need to amend the answer that said</p> <p>7 that you called Mr. Williams, correct?</p> <p>8 A Right, because I didn't call Mr. Williams.</p> <p>9 Q Okay. So you called Tranquilino on the</p> <p>10 24th. What did you tell Mr. Tranquilino on the</p> <p>11 24th?</p> <p>12 A I asked, did he have another place that we</p> <p>13 can go to work, because every time he sent us up</p> <p>14 to the high school in Gainesville, Jose refused</p> <p>15 work us. He said he would call me back.</p> <p>16 Q And, as you see in the next two boxes on</p> <p>17 page 9, there's various phone calls identified</p> <p>18 from your number to Mr. Tranquilino Villegas'</p> <p>19 number on August 26th, and August 27th.</p> <p>20 Did those take place?</p> <p>21 A Yes, they did.</p> <p>22 Q And did you ever get in touch with</p>	<p style="text-align: right;">196</p> <p>1 Q Wilbur called you?</p> <p>2 A Yes.</p> <p>3 Q What was the purpose of the call?</p> <p>4 A To come back to work.</p> <p>5 Q Go back to work where?</p> <p>6 A Faraday Park.</p> <p>7 Q Did you go back to work?</p> <p>8 A Yes, I did.</p> <p>9 Q And When did you report to work?</p> <p>10 A 7:00 a.m., on the 14th.</p> <p>11 Q The next morning?</p> <p>12 A Yeah.</p> <p>13 Q Did you work the entire day on the 14th?</p> <p>14 A I worked the whole day.</p> <p>15 Q Did you work the whole day on</p> <p>16 September 15th?</p> <p>17 A No, we didn't.</p> <p>18 Q How long of a work shift did you have on</p> <p>19 the 15th?</p> <p>20 A I think around 11:00 or 11:30, or maybe</p> <p>21 12:00.</p> <p>22 Q What time does the day start?</p>